

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

KLOOSTERBOER INTERNATIONAL  
FORWARDING, LLC, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Case No. 3:21-cv-00198-SLG

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UNITED STATES OF AMERICA, *et al.*

Counter Claimants,

v.

KLOOSTERBOER INTERNATIONAL  
FORWARDING, LLC, *et al.*,

Counter Defendants.

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**SCHEDULING AND PLANNING ORDER**

**I. Meeting of the Parties/Scheduling Conference**

Based upon information available to the Court through Defendants' Scheduling and Planning Conference Report at Docket 156, Plaintiffs' Scheduling and Planning Conference Report at Docket 157, and the parties' Scheduling Conference with the Court on June 6, 2022, this order for the pretrial development of the case is entered pursuant to Rule 16(b), Federal Rules of Civil Procedure.

**This order may be modified only for good cause shown and with the consent of the Court. See Rule 16(b)(4), Federal Rules of Civil Procedure.**

## **II. Discovery Plan**

Discovery shall be conducted in accordance with Rules 26 through 37 of the Federal Rules of Civil Procedure and any applicable Local Civil Rules, except as otherwise provided below.

**A. Timing, Form, and Disclosure Requirements.** The requirements of Rule 26(f)(3)(A) shall apply to this case. Any changes to those requirements that the Court has approved are incorporated in the following paragraphs, Sections II.B through II.G. Each party must contemporaneously prepare and maintain a written record of all disclosures and supplementation of disclosures or responses made to requests for discovery under Rule 26(a) and (e), Federal Rules of Civil Procedure. Unless required in support of a motion or by order of the Court, disclosures and supplemental disclosures are not to be filed with the Court.

### **B. Initial Disclosures / Preliminary Witness Lists.**

1. The information required by Rule 26(a)(1), Federal Rules of Civil Procedure:

(a) ☐ has been exchanged by the parties.

(b) ☒ shall be exchanged by the parties on or before **June 15, 2022.**

2. Preliminary witness lists:

(a) ☐ have been exchanged by the parties.

(b) ☒ shall be exchanged by the parties on or before **July 1, 2022.**

3. With reference to the disclosure requirements of Rule 7.1, Federal Rules of Civil Procedure:

(a) ☒ The parties are in compliance.

(b) ☐ Compliance shall be accomplished on or before \_\_\_\_\_.

(c) ☐ Rule 7.1 is not applicable.

### **C. Subjects and Timing of Discovery**

1. The parties ☒ have / ☐ have not reported the subjects on which discovery may be needed.

2. Discovery shall not be conducted in phases or limited to or focused on particular issues.

3. The parties ☐ have / ☒ have not shown cause for a discovery close date beyond 12 months from their reports.

4. **Final Discovery Witness List.** A final discovery witness list, disclosing all lay witnesses that a party may wish to call at trial either by live testimony or deposition, shall be served and filed not later than **September 16, 2022**. Each party shall make a good-faith attempt to list only those lay witnesses that the party reasonably believes will testify at trial. Unless otherwise ordered for good cause shown, only those lay witnesses disclosed in this final discovery witness list, and the expert witnesses that were timely identified, will be permitted to testify at trial.
5. **Close of Fact Discovery.** Fact discovery shall be completed on or before **October 31, 2022**.
6. **Expert Discovery.** Pursuant to Rule 26(a)(2), Federal Rules of Civil Procedure:
  - (a) Expert witnesses shall be identified by each party on or before **July 29, 2022**, and each party may identify responsive supplemental expert witnesses within **14 days** thereafter.
  - (b) The deadline for expert disclosures (reports) required by Rule 26(a)(2) shall be determined at a Scheduling Conference on **August 19, 2022, at 9:30 a.m.** in Anchorage Courtroom 3.

(c) The date for the completion of expert witness discovery (including depositions) shall be determined at the Scheduling Conference on **August 19, 2022**.

**D. Preservation of Discovery, Including Electronically Stored Information (ESI).**

1. No issues have been reported as regards disclosure, discovery, or preservation of ESI, including the form or format in which it should be produced.
2. The parties shall proceed as they have proposed with respect to the production of ESI.
3. Preservation of non-ESI Discovery:
  - (a) ☒ There is no indication that this will be an issue.
  - (b) ☐ The parties may proceed as they have proposed.

**E. Claims of Privilege or Protection of Attorney Work Product.**

Claims of privilege or protection of trial preparation materials shall be handled as follows:

1. ☐ There is no indication that this will be an issue.
2. ☐ The parties have entered into a confidentiality agreement.
3. ☒ The parties shall submit their proposed confidentiality agreement on or before **June 30, 2022**.

**F. Limitations on Discovery.** The following limitations on discovery are imposed:

1. ☒ The limitations set forth in Federal Rules of Civil Procedure 26(b), 30, and 33, and in Local Civil Rules 30.1 and 36.1, apply, except as indicated below.
2. ☒ The maximum number of depositions by each party shall not exceed **10**.
  - (a) ☒ Depositions shall not exceed **7** hours as to any deponent; or
  - (b) ☐ Depositions shall not exceed the following:
    - (1) **[number]** hours as to non-party deponents, and
    - (2) **[number]** hours as to party deponents, corporate officer deponents, Rule 30(b)(6) deponents, and expert witness deponents.
3. ☒ The maximum number of interrogatories posed by each party shall not exceed **25**.
4. ☒ The maximum number of requests for admissions posed by each party shall not exceed **25**.
5. ☐ Other limitations: **[insert other limitations]**.

**G. Supplementation of Disclosures and Discovery Responses.**

Disclosures and discovery responses shall be supplemented:

1. ☐ In accordance with Rule 26(e)(1) and (e)(2), Federal Rules of Civil Procedure.
2. ☒ At intervals of **14 days**.

**III. Pretrial Motions.**

**A.** Preliminary motions as to jurisdiction, venue, arbitration, and/or statutes of limitation shall be served and filed not later than:

1. ☒ Not applicable.
2. ☐ **[Date:]**

**B.** Motions to amend, motions under the discovery rules, motions *in limine*, and dispositive motions:

1. ☒ Motions shall be served and filed within the times specified by the applicable rules, including Local Rules 7.2, 7.3, and 16.1(c), except as indicated below.
2. ☒ A motion/notice re Plaintiffs' request for a jury trial shall be filed by Plaintiffs by **July 1, 2022**.
3. ☒ Motions to amend pleadings. A party must seek leave of the Court to file an amended pleading.

4. ☒ Motions under the discovery rules as to fact discovery shall be served and filed not later than **November 7, 2022**.
5. ☒ No additional dispositive motions shall be filed without a showing of good cause.
6. ☒ The deadline for motions to exclude expert testimony shall be determined at the **August 19, 2022**, Scheduling Conference.

#### **IV. Trial.**

- A. A jury trial ☒ has / ☐ has not been demanded.
- B. The right to jury trial ☒ is / ☐ is not disputed. See Section III. B. 2 *supra*.
- D. Scheduling Trial.
  1. ☒ The Court will schedule trial at the **August 19, 2022**, Scheduling Conference.

#### **V. Other Provisions.**

- A. **Consent to Proceed before a Magistrate Judge.** The parties have not consented to trial before a Magistrate Judge.
- B. **Early Settlement / Alternative Dispute Resolution.** The parties have considered and reported to the Court regarding possible alternative dispute resolution procedures.



**C. Related Cases.** The parties have reported to the Court regarding any related cases as defined by Local Civil Rule 16.1(e).

DATED this 9th day of June, 2022, at Anchorage, Alaska.

/s/ Sharon L. Gleason

UNITED STATES DISTRICT JUDGE